



## AMERICANS FOR LIMITED GOVERNMENT

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June 21<sup>st</sup>, 2010

The Honorable Harry Reid  
The Honorable Mitch McConnell  
United States Senate  
WASHINGTON, D.C. 20510

Dear Senate Majority Leader Reid and Senate Minority Leader Mitch McConnell:

Americans for Limited Government urges your opposition to the highly controversial promotion of U.S. District Court Judge Robert Chatigny to the 2<sup>nd</sup> Circuit Court of Appeals. On June 10th, the Senate Judiciary Committee voted to report Judge Chatigny to floor for a vote which could come up at any time.

As you are well aware, Judge Chatigny has a long history of acting sympathetically toward sex offenders, including overturning Connecticut's sex offender registry law. Making matters worse, his conduct in 2005 to obtain a stay of execution for convicted rapist and serial killer Michael Ross are equally offensive and disturbing to the American people, who believe that those that monsters that prey upon the nation's young people deserve punishment, not treatment.

Ross was convicted of kidnapping, raping, and strangling to death four women. Ross confessed to four other rape-murders as well. His eight victims ranged in age from 14 to 25. Ross was sentenced to death and the Connecticut Supreme Court denied his appeal. Ross did not attempt any federal appeals and was scheduled for execution in 2005.

That is, until Chatigny granted a last-minute hearing questioning Ross' competence to waive his right to appeal. In that hearing, Chatigny chastised Ross' attorney, T.R. Paulding, for obliging his client's wishes to waive appeal, and threatened to have his law license pulled. Chatigny went above and beyond his role as a judge, saying, "looking at the record in a light most favorable to Mr. Ross, he never should have been convicted. Or if convicted, he never should have been sentenced to death because his sexual sadism, which was found by every single person who looked at him, is clearly a mitigating factor."

Ross had confessed to all eight rape-murders. Of course he should have been convicted. There was no question of his malice and cruelty, either, and yet for Chatigny, this was a mitigating factor that should have blocked the death penalty sentence. That is outrageous enough. But if there was any doubt as to Chatigny's bias and personal interest in this case, the hearing Chatigny was presiding over had nothing to do with sentencing. It had to do with forcing Ross' attorney to pursue a claim that Ross was not competent to waive his right to appeal the sentence.

Here, Chatigny was making the case for Paulding to continue appealing. This, even though Ross had no desire to continue the appeals process. Chatigny clearly wanted to keep Ross in the system. His bias exhibited in this case calls into question his temperament and impartiality as a judge, and should disqualify him. This nomination should be withdrawn.

Sincerely,

A handwritten signature in black ink that reads "William A. Wilson". The signature is written in a cursive style with a long, sweeping tail on the final letter.

William Wilson  
President  
Americans for Limited Government

**CC:** The members of the United States Senate